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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,281	12/12/2001	Michael Wayne Brown	AUS920010819US1	7038

7590 03/24/2005
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EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,281

Applicant(s)

BROWN ET AL.

Examiner

Md S Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21, 52 and 53 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 52 and 53 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Reopening of Prosecution-New ground of Rejection After Appeal

1. In view of the appeal Brief filed on 12/13/04, PROSECUTION IS HEREBY REOPENED. The rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Specification

2. The disclosure is objected to because of the following informalities: the serial no. of the co-pending applications in page 1 of the original specification need to be filled out.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 52 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Regarding claim 52, the phrase “said telephony device” in line 7 of the claim is indefinite. Because, the two phrases ‘a caller at a telephony device’ and ‘an individual with access to said telephony device’ are confusing. In light of applicant’s specification, a caller at a telephony device and a callee at a telephony device do not appear to share the same telephony device. However, the claim indicates that the same device is used for both parties.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 5, 6, 8, 9, 10, 14, 15, 17 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Beyda (U.S. Pub. No. 2003/0059007).

Regarding claim 1, Beyda teaches receiving speech [i.e., voice utterance] for a caller at the voice mail system 106 [i.e., server] external to the public telephone network 101 [i.e., trusted telephone network] (fig. 1, 2; page 2, paragraph 0030, page 3, paragraph 0032). (Note: In light of applicant’s specification, Examiner interprets the claimed “trusted” means a network needs minimal security whereas “untrusted” means a network needs additional security. The public telephone network 101 of Beyda inherently has such reliability and security voice communication features that enable two parties to communicate without being interrupted by any

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third party. Therefore, public telephone network 101 of Beyda reads on the claimed “trusted telephone network”).

Beyda further teaches identifying a caller identity associated with the speech at the voice mail system 106, such that the caller identity is transmittable within the public telephone network 101 as an authenticated identity of the caller for a call (fig.4-6; page 3, paragraphs 0032-0034, 0037). (Note: when caller speaks his password, caller identity is authenticated in voice mail system and the caller is inherently acknowledged that his identity is verified. Therefore, it is inherent that that the caller identity is transmittable within the public telephone network 101 as an authenticated identity of the caller for a call)

Regarding claims 2 and 11, Beyda teaches receiving speech through a connection between the voice mail system 106 and the public telephone network 101 (fig.1, 2; page3, paragraph 0032).

Regarding claims 5 and 14, Beyda teaches the public telephone network 101 comprising one public switching telephone network (fig.1).

Regarding claims 6 and 15, Beyda teaches a PBX [i.e., private switching system] (fig.1).

Regarding claim 8, Beyda teaches accessing the voice mail system 106 from the public telephone network 101 through a private network connection (fig.1, 2).

Regarding claims 9 and 19, Beyda teaches transferring the caller identity to the public telephone network 101 inherently through a secure channel (fig.1, 2; page3, paragraph 0032).

Regarding claim 10 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Beyda teaches the voice mail system 106 [i.e., server system]

communicatively connected to a public telephone network 101 by a private telephone network [i.e., external network] (fig.1, 2; page 2, paragraph 0021).

Regarding claim 17, Beyda teaches that external network is a private network (fig.1, 2).

Regarding claims 18 and 20 are rejected for the same reasons as discussed above with respect to claim 10. Furthermore, Beyda teaches memory 206 [i.e., recording medium] (fig.2; page 2, paragraphs 0027, 0028).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda (U.S. Pub. No. 2003/0059007) and in view of Cheston, III et al. (U.S. Patent No. 5,771,279).

Regarding claims 3 and 12, Beyda teaches prompting the caller to provide the speech [i.e., voice utterance] (page3, paragraph 0032).

However, Beyda does not specifically teach receiving, at the server, a request for a caller identity authentication service from the trusted telephone network. Cheston teaches receiving, at the IP 163 [i.e., server], a request for a caller identity from the PBX 113 [i.e., trusted telephone network] (fig.2; col.20, lines 12-16). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda to receive, at the server, a request for

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a caller identity authentication service from the trusted telephone network as taught by Cheston.

The motivation for the modification is to have doing so in order to identify speech of a user.

9. Claims 4, 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda (U.S. Pub. No. 2003/0059007) and in view of Bartholomew et al. (U.S. Patent No. 6,167,119).

Regarding claims 4, 13 and 21, Beyda fails to teach “extracting speech characteristics from said voice utterance”. Bartholomew teaches extracting certain characteristic information from the speech (col.13, lines 41-60, col.20, lines 41-49; ‘certain characteristic information’ reads on the claim ‘speech characteristics’ and ‘speech’ reads on the claim ‘voice utterance’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda to allow extracting speech characteristics from said voice utterance as taught by Bartholomew. The motivation for the modification is to have doing so in order to make comparison of a caller speech.

Beyda further fails to teach “comparing said speech characteristics with a plurality of voice samples stored for identifying a plurality of callers”. Bartholomew teaches comparing the extracted characteristic information with a stored pattern information for identifying a caller (col.13, lines 41-60, col.20, lines 41-49; ‘certain characteristic information’ reads on the claim ‘speech characteristics’, ‘stored pattern information’ reads on the claim ‘plurality of voice samples stored’ and ‘caller’ reads on the claim ‘plurality of callers’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda to allow comparing said speech characteristics with a plurality of voice samples stored for

identifying a plurality of callers as taught by Bartholomew. The motivation for the modification is to have doing so in order to verify the identity of the caller.

10. Claims 7, 16, 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda (U.S. Pub. No. 2003/0059007) and in view of McAllister et al. (U.S. Patent No. 6,442,242).

Regarding claim 7, Beyda fails to teach “accessing said server from said trusted telephone network through an Internet connection”. McAllister teaches accessing the voice processor 20 from the PBX 10 through an Internet connection (fig.1; col.5, lines 39-43, 48-67, col.6, lines 1-3, 24-52; ‘voice processor 20’ reads on the claim ‘server’ and ‘PBX 10’ reads on the claim ‘trusted telephone network’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda to access the server from the trusted telephone network through an Internet connection as taught by McAllister. The motivation for the modification is to have doing so in order to make use of internet connections over carrier transmission facilities.

Regarding claim 16, Beyda fails to teach “said external network is the internet”. McAllister teaches that the external network is the internet (fig.1; col.6, lines 24-52). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda to allow the external network as the internet as taught by McAllister. The motivation for the modification is to have doing so in order to make use of internet to provide cheaper service to the user.

Regarding claim 52, Beyda teaches receiving, from a public telephone network 101 [i.e., trusted telephone network], a caller identity for a caller at a telephony device wherein the caller

identity is identified at a voice mail system 106 [i.e., server] accessible via a network external to the public telephone network 101 (fig.1, 2; page 2, paragraph 0030, page 3, paragraph 0032).

However, it is not clear whether Beyda teaches “said trusted telephone network initiates said authentication service”. McAllister teaches that the PBX 10 [i.e., trusted telephone network] initiates the identification service [i.e., authentication service] (fig.1; col.6, lines 24-52). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda to allow the trusted telephone network initiating the authentication service as taught by McAllister. The motivation for the modification is to have doing so in order to verify the speech of a user.

Beyda further teaches controlling output of the caller identity [i.e., authenticated caller identity] from the telephony device (fig.4-6; page 3, paragraphs 0032-0034, 0037).

Beyda fails to teach “an individual with access to said telephony device is informed of the identity of said caller”. McAllister teaches that the desired party with access to the telephony device is informed of the identity of the caller (col.7, lines 18-32, 55-67, col.8, lines 1-10). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda to allow an individual with access to the telephony device being informed of the identity of the caller as taught by McAllister. The motivation for the modification is to have doing so in order to provide the called party the identity of the caller so that he can provide the required support for the caller.

Regarding claim 53 is rejected for the same reasons as discussed above with respect to claim 52. Furthermore, Beyda teaches receiving, at a telephony device, connection [i.e., secure

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channel] via a public telephone network 101 [i.e., trusted telephone network] to a voice recognition [i.e., authentication] service (fig.1, 4-6; page 3, paragraphs 0032-0034, 0037).

Beyda further teaches facilitating, from the telephony device, communications between the voice recognition service and a caller such that the voice recognition service is enabled to identify an identity of the caller (fig.1, 4-6; page 3, paragraphs 0032-0034, 0037).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cree et al. (U.S. Patent No. 6,665,380) teach Inmate messaging system and method and McHugh et al. (U.S. Patent No. 6,700,972) teach System and method for processing and collecting data from a call directed to a call center.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703)305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703)305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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March 21, 2005



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